

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ACQIS LLC,

Plaintiff,

v.

DELL INC.; HEWLETT-PACKARD CO.;
INTERNATIONAL BUSINESS MACHINES
CORP.; NEC CORP. OF AMERICA; and
ORACLE AMERICA, INC.

Defendants.

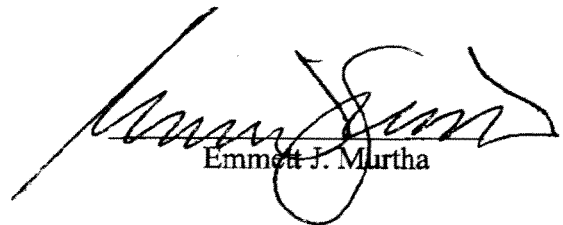
Case No. 6:09-00148-LED
Jury Trial Demanded

**DECLARATION OF EMMETT J. MURTHA IN SUPPORT OF ACQIS, LLC'S
RESPONSE AND OPPOSITION TO IBM'S OPPOSED RENEWED MOTION TO
DISQUALIFY EMMETT J. MURTHA**

I, Emmett J. Murtha, declare as follows:

1. I did not rely on confidential information from my employment at IBM when forming my opinions in this case.
2. My opinions do not depend on the 2003 IBM license agreements produced by IBM.
3. I have been a damages expert in 23 cases and am currently an expert in four pending cases.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 3, 2010, at Darien, Connecticut.


Emmett J. Murtha